

110TH CONGRESS
2D SESSION

H. R. 7250

To require the Administrator of the Environmental Protection Agency to conduct a study on black carbon emissions and to reduce global black carbon emissions.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 2, 2008

Mr. INSLEE (for himself, Mr. WAXMAN, Mr. HONDA, and Mr. OLVER) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Foreign Affairs and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require the Administrator of the Environmental Protection Agency to conduct a study on black carbon emissions and to reduce global black carbon emissions.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Arctic Climate Preser-
5 vation Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1 (1) Black carbon is a particulate pollutant that
2 contributes significantly to warming of the Earth's
3 climate system by converting solar radiation to heat,
4 which is released into the atmosphere. Black carbon
5 has a particularly detrimental impact on the Arctic
6 by reducing surface reflectivity and accelerating
7 melting when it settles on snow or ice surfaces. The
8 atmospheric residence of black carbon is less than 2
9 weeks, making this pollutant an important candidate
10 for immediate policy action to mitigate adverse cli-
11 mate effects.

12 (2) Through various clean air programs, the
13 United States has reduced much of its black carbon
14 pollution, though more could be done by govern-
15 ments to help spur technological innovation and en-
16 ergy technology deployment in countries where
17 major black carbon pollution still occurs through in-
18 dustrial activities, agriculture and forestry practices,
19 and residential cooking with high pollution fuels.

20 (3) Black carbon is a serious threat to public
21 health and reductions in black carbon will produce
22 immediate public health benefits.

23 (4) Black carbon is a component of particulate
24 matter regulated under the Clean Air Act, however
25 it is not explicitly regulated as a global warming

1 agent under United States law or by the United Na-
2 tions Framework Convention on Climate Change or
3 other international instruments.

4 (5) United States foreign policies and assist-
5 ance programs, as well as directions to multilateral
6 lending organizations such as the World Bank,
7 Inter-American Development Bank, and other re-
8 gional development banks, possess the potential to
9 significantly reduce black carbon pollution globally.

10 (6) Taking immediate cost-effective and techno-
11 logically feasible action to protect the Arctic, espe-
12 cially by significantly reducing black carbon pollu-
13 tion, will protect an ecosystem under imminent
14 threat due to global warming.

15 **SEC. 3. PURPOSES.**

16 The purposes of this Act are—

17 (1) to immediately identify cost-effective ways
18 to reduce black carbon pollution, both in the United
19 States and internationally, to stem and reverse the
20 melting of Arctic Sea ice, as well as contribute to re-
21 ducing the rate of global warming; and

22 (2) to establish the United States as a leader
23 in protecting the Arctic environment.

24 **SEC. 4. DEFINITIONS.**

25 As used in this Act:

1 (1) The term “Administrator” means the Ad-
2 ministrator of the Environmental Protection Agency.

3 (2) The term “black carbon” means the strong-
4 ly light absorbing component of carbonaceous
5 aerosols.

6 (3) The term “organic carbon” means the com-
7 ponents of carbonaceous aerosols that are not
8 strongly light-absorbing.

9 (4) The term “person” means any individual,
10 corporation, partnership, trust, association, or any
11 other private entity, or any officer, employee, agent,
12 department, or instrumentality of the Federal Gov-
13 ernment or of any State, municipality, or political
14 subdivision of a State, or of any foreign government,
15 any State, municipality, or political subdivision of a
16 State, or any other entity subject to the jurisdiction
17 of the United States.

18 **SEC. 5. BLACK CARBON ABATEMENT STUDY.**

19 (a) STUDY.—The Administrator shall conduct a
20 study of black carbon and organic carbon emissions in
21 consultation with the Administrator of the National Oce-
22 anic and Atmospheric Administration, the Administrator
23 of the National Aeronautics and Space Administration,
24 the Administrator of the United States Agency for Inter-
25 national Development, the Chief of the United States For-

1 est Service, the Secretary of the Interior, and other agen-
2 cies, as appropriate. The study shall include each of the
3 following:

4 (1) A summary of the research that has been
5 conducted that identifies—

6 (A) an inventory of the major sources of
7 black carbon and organic carbon emissions in
8 the United States and throughout the world, in-
9 cluding an estimate of the quantity of current
10 and projected future emissions, and the net cli-
11 mate effects of the emissions from those
12 sources;

13 (B) effective and cost-effective control
14 technologies, operations, or strategies for addi-
15 tional domestic and international black carbon
16 reductions, including the lifecycle climate im-
17 pacts of installation or implementation of emis-
18 sion control technologies, operations, or strate-
19 gies, such as diesel particulate filters on exist-
20 ing on-road and off-road engines, and including
21 consideration of emissions from residential
22 cookstoves, forest burning, and other agri-
23 culture-based burning;

24 (C) potential metrics quantifying the net
25 radiative forcing, warming, or other climatic ef-

fects of black carbon and organic carbon emissions, which might be used to compare the climate benefits of different mitigation strategies; and

(D) the health benefits associated with additional controls for black carbon emissions.

(2) Recommendations of the Administrator regarding—

(A) areas of focus for additional research for technologies, operations, and strategies with the highest potential to reduce emissions of black carbon; and

(B) actions the Federal Government could carry out to encourage or require black carbon emission reductions that may be additional to those identified under section 6.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to Congress a report describing the results of the study.

SEC. 6. BLACK CARBON REDUCTIONS IN THE UNITED STATES.

(a) REGULATIONS.—By 270 days after the date of the enactment of this Act, the Administrator shall propose regulations under the existing authorities of the Clean Air Act to reduce emissions of black carbon. The Adminis-

1 trator shall promulgate final regulations under those au-
2 thorities within 635 days after the date of the enactment
3 of this Act. In developing such regulations, the Adminis-
4 trator shall take into account the full range of health and
5 environmental harms of black carbon emissions, including
6 the effects on global warming and the Arctic.

7 (b) CLEAN AIR ACT PROVISIONS.—The obligations of
8 the Administrator under subsection (a) shall be considered
9 a nondiscretionary duty for purposes of sections 304 of
10 the Clean Air Act.

11 **SEC. 7. UNITED STATES FOREIGN AID AND ASSISTANCE.**

12 (a) REPORT.—Within 9 months after enactment of
13 this Act, the Secretary of State, in coordination with other
14 appropriate Federal agencies such as the Agency for Inter-
15 national Development, the Secretary of the Treasury, and
16 the Administrator, shall issue a report to Congress on the
17 amount, type, and direction of all present and potential
18 United States financial and related assistance to foreign
19 nations that will reduce, mitigate, and otherwise abate
20 black carbon pollution.

21 (b) OTHER OPPORTUNITIES.—The report required
22 under subsection (a) shall also identify opportunities for
23 foreign assistance and direction in order to—

24 (1) promote sustainable solutions to bring
25 clean, efficient, and affordable stoves to residents of

1 developing countries that are reliant on upon solid
2 fuels such as wood, dung, charcoal, coal, or crop res-
3 idues for home cooking and heating, so as to help
4 reduce public health and environmentally harmful
5 impacts of black carbon pollution;

6 (2) make technological improvements to diesel
7 engines and provide greater access to fuels that emit
8 less or no black carbon;

9 (3) reduce unnecessary agricultural or other
10 biomass burning where feasible alternatives exist;

11 (4) reduce unnecessary fossil fuel burning that
12 produces black carbon where feasible alternatives
13 exist; or

14 (5) reduce other sources of black carbon pollu-
15 tion.

16 **SEC. 8. INTERNATIONAL NEGOTIATIONS.**

17 (a) **POLICY.**—It is the policy of the United States—

18 (1) to engage in the processes of the United
19 Nations Framework Convention on Climate Change
20 and the Convention on Long Range Transboundary
21 Air Pollution to explore the potential to accelerate
22 reductions in black carbon emissions, and to improve
23 our understanding of the climatic effects of black
24 carbon, as well as the mitigation potential in dif-
25 ferent sectors and regions around the world;

1 (2) to work with affected and interested nations
2 and the Arctic Council on an agreement to protect
3 the Arctic environment, consistent with the prin-
4 ciples of the Convention on the Conservation of Ant-
5 arctic Marine Living Resources;

6 (3) to further the goals of the Agreement on
7 the Conservation of Polar Bears ratified by the Gov-
8 ernments of Canada, Denmark, Norway, Russia, and
9 the United States, to explicitly take into account the
10 threat to polar bears posed by global warming;

11 (4) to abide by the American Declaration of the
12 Rights and Duties of Man with regard to human
13 rights;

14 (5) to work with parties to the North American
15 Free Trade Agreement and other related agreements
16 in the Americas share information and coordinate on
17 approaches to reduce black carbon pollution; and

18 (6) to further reduce shipping pollution through
19 domestic means and through MARPOL.

20 (b) REPORT.—By January 1, 2010, the Secretary of
21 State shall issue a report to the Congress on the advance-
22 ment of the policies and goals enunciated in this section
23 with regard to black carbon.

1 **SEC. 9. EFFECT ON OTHER LAW.**

2 Nothing in this Act precludes or abrogates the right
3 of any State to adopt or enforce any standard, cap, limita-
4 tion, prohibition, requirement, or effort to reduce the
5 emissions of any greenhouse gas. States may elect to enact
6 standards that are more stringent than those required
7 under this Act.

8 **SEC. 10. APPROPRIATIONS.**

9 There are authorized to be appropriated such sums
10 as are necessary to carry out this Act.

11 **SEC. 11. SEPARABILITY.**

12 If any provision of this Act or the application of any
13 provision of this Act to any person or circumstance is held
14 invalid, the application of such provision to other persons
15 or circumstances, and the remainder of the Act, shall not
16 be affected thereby.

○